

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of N.M., a person under	)	(Not For Official Publication)
eighteen years of age.	)	
_____	)	Case No. 20070708-CA
	)	
N.M.,	)	F I L E D
	)	(June 5, 2008)
Appellant,	)	
	)	2008 UT App 223
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Third District Juvenile, Salt Lake Department, 462973  
The Honorable Frederic (Ric) M. Oddone

Attorneys: Kristine M. Rogers, Salt Lake City, for Appellant  
Mark L. Shurtleff and Karen A. Klucznik, Salt Lake  
City, for Appellee

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Before Judges Greenwood, Thorne, and Bench.

BENCH, Judge:

N.M., a minor, challenges his adjudication for theft, claiming that the evidence upon which the juvenile court based the adjudication was insufficient to prove that he was a party to the theft of the automobile in question. We affirm.

N.M. argues that the State's evidence, which was circumstantial in nature, failed to prove all the elements of theft beyond a reasonable doubt. "A person commits theft if he obtains or exercises unauthorized control over the property of another with a purpose to deprive him thereof." Utah Code Ann. § 76-6-404 (2003). Circumstantial evidence can be sufficient to support an adjudication of guilt beyond a reasonable doubt when it is of such a quality and quantity that "the inferences that can be drawn from [the evidence] have a basis in logic and reasonable human experience sufficient to prove each legal element of the offense." State v. Brown, 948 P.2d 337, 344 (Utah 1997); see also State v. Nickles, 728 P.2d 123, 127 (Utah 1986) (stating that "circumstantial evidence alone may be sufficient to

establish the guilt of the accused"). "When reviewing a juvenile court's decision for sufficiency of the evidence, [the appellate court] must consider all the facts, and all reasonable inferences which may be drawn therefrom, in a light most favorable to the juvenile court's determination." In re V.T., 2000 UT App 189, ¶ 8, 84 P.3d 1234. We will reverse only when the decision is "against the clear weight of the evidence" or if we "otherwise reach[] a definite and firm conviction that a mistake has been made." State v. Walker, 743 P.2d 191, 193 (Utah 1987).

Here, police found N.M. many miles from his residence at 4:30 in the morning while they were investigating a report that a car was being dismantled in the area. N.M. had grass and dirt on his clothes and fresh automotive grease on his hands. The officers found a car that was partly dismantled in the adjoining lot and did not find any other cars being worked on in the area. The car being dismantled was later discovered to have been taken from its owner's home without permission. The juvenile court's inference that N.M. was exercising unauthorized control over the car by way of his active participation in the "stripping" of the automobile was reasonable because N.M. had automotive grease on his hands and grass on his clothes. Both of these facts reasonably suggest that N.M. had recently been on the ground handling car parts. Further, the fact that the car was being dismantled reasonably led to the inference that N.M. was intending to permanently deprive the rightful owner of the car. See Utah Code Ann. § 76-6-404.

The inferences made by the juvenile court in adjudicating N.M. of theft do not go against the clear weight of the evidence, and N.M. has not demonstrated that a mistake has been made. We therefore affirm the decision of the juvenile court.

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Russell W. Bench, Judge

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WE CONCUR:

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Pamela T. Greenwood,  
Presiding Judge

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William A. Thorne Jr.,  
Associate Presiding Judge